

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

ROBERT CALDERON,	§	
TDCJ-CID #1422878,	§	
Petitioner,	§	
V.	§	C.A. NO. C-07-323
NATHANIEL QUARTERMAN,	§	
Respondent.	§	

MEMORANDUM OPINION AND ORDER OF TRANSFER

This is a habeas action filed by a state prisoner incarcerated at the Garza West Unit in Beeville, Texas, challenging his state court conviction (D.E. 1). Petitioner states that in August 2005 he was convicted of evading arrest with a vehicle in the 216th Judicial District Court for Kerr County, Texas (*Id.*).

A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); Wadsworth v. Johnson, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is in the Corpus Christi Division of the Southern District of Texas, 28 U.S.C. § 124(b)(6), and he was convicted by a court located in the San Antonio Division of the Western District of Texas. 28 U.S.C. § 124(d)(4).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been

brought. 28 U.S.C. §§ 1404(a) and 1406(a). Because petitioner was convicted in Kerr County, it is more convenient for this action to be handled in the San Antonio Division of the Western District of Texas. The records of his conviction, the prosecutor and defense lawyer, and the witnesses are all located in the San Antonio Division of the Western District of Texas.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Western District of Texas, San Antonio Division. All pending motions are denied without prejudice, subject to re-urging after this action is transferred.

ORDERED this 2nd day of August, 2007.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE